

Message Text

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TAGS: PGOV, FR

SUBJECT: FRENCH PRESIDENTIAL ELECTIONS: THE MECHANICS

1. THE STATE OF PRESIDENT POMPIDOU'S HEALTH IS AGAIN SPARKING RUMORS THAT HE WILL HAVE SOON TO RESIGN. THIS WOULD MEAN THAT AN INTERIM PRESIDENT WILL HAVE TO BE NAMED AND PRESIDENTIAL ELECTIONS HELD. THIS MESSAGE EXAMINES THE CONSTITUTIONAL PROVISIONS GOVERNING THIS PROCESS.

2. THE INTERIM PERIOD. IF AN INCUMBENT PRESIDENT RESIGNS, ARTICLE 7 OF THE CONSTITUTION PROVIDES THAT HIS FUNCTIONS ARE TEMPORARILY EXERCISED BY THE PRESIDENT OF THE SENATE. (CURRENTLY, AS IN 1969, WHEN DE GAULLE RESIGNED, HE IS ALAIN POHER.) IF THE SENATE PRESIDENT SHOULD BE PREVENTED FROM ASSUMING THE PRESIDENCY OR IF HE RESIGNS, THE POWERS ARE EXERCISED BY THE GOVERNMENT. THE INTERIM PRESIDENT HAS FULL POWERS EXCEPT THOSE GOVERNED BY ARTICLES 11 (PERMITTING THE PRESIDENT TO CALL A REFERENDUM) AND 12 (PERMITTING THE PRESIDENT

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TO DISSOLVE THE NATIONAL ASSEMBLY). ARTICLE 7 ALSO PROVIDES THAT

CERTAIN OTHER ARTICLES ARE SUSPENDED DURING THE INTERIM PERIOD. THESE ARE ARTICLE 49 (VOTE OF CONFIDENCE REQUESTED BY THE PRIME MINISTER); ARTICLE 50 (ADOPTION OF A MOTION OF CENSURE OF THE GOVERNMENT BY PARLIAMENT, AFTER WHICH THE GOVERNMENT WOULD RESIGN); AND, ARTICLE 89 (AMENDMENT OF THE CONSTITUTION). THE CONSTITUTION DOES NOT STATE THE EXACT MANNER BY WHICH THE INTERIM PERIOD IS DETERMINED TO HAVE BEGUN, IN 1969, DE GAULLE'S COMMUNIQUE TO THE EFFECT THAT HE WOULD LEAVE HIS OFFICE, EFFECTIVE APRIL 28 AT 1200 HOURS, WAS ACCEPTED BY THE CONSTITUTIONAL COUNCIL THE SAME DAY AT 1100. THIS ENSURED THAT THERE WOULD BE NO BREAK IN THE PRESIDENCY. PRESUMABLY THE 1969 EXAMPLE WOULD HAVE A PRECEDENTIAL EFFECT NOW. ARTICLE 7 ALSO PROVIDES THAT THE ELECTION OF A NEW PRESIDENT SHALL TAKE PLACE IN NOT LESS THAN 20 DAYS AND NOT MORE THAN 35 DAYS FROM THE TIME THE INTERIM PERIOD BEGINS. THIS PROVISION, THUS, ALSO SETS THE TERM OF THE INTERIM PRESIDENT.

3. THE CANDIDATES. ARTICLE 6 STATES THAT THE MANNER IN WHICH THE ELECTION OF THE PRESIDENT IS CARRIED OUT SHALL BE FIXED BY AN ORGANIC LAW. SINCE THE OCTOBER 1962 REFERENDUM AMENDED THE CONSTITUTION TO PROVIDE DIRECT ELECTION OF THE PRESIDENT BY UNIVERSAL SUFFRAGE, LAW NO. 62-1292 OF NOVEMBER 6, 1962 HAS APPLIED. THE LAW STATES THAT FIFTEEN DAYS BEFORE THE FIRST BALLOT IS TO TAKE PLACE, THE GOVERNMENT MUST PUBLISH THE LIST OF CANDIDATES FURNISHED TO IT BY THE CONSTITUTIONAL COUNCIL. THIS BODY PLACES ON THE LIST ANYONE WHO MEETS THE FOLLOWING CONDITIONS AT LEAST 18 DAYS BEFORE THE FIRST BALLOT: HE MUST BE DESIGNATED BY AT LEAST ONE HUNDRED CITIZENS, INDIVIDUALLY OR COLLECTIVELY, WHO ARE THEMSELVES MEMBERS OF PARLIAMENT, OR MEMBERS OF THE ECONOMIC OR SOCIAL COUNCIL, OR MEMBERS OF DEPARTMENTAL GENERAL COUNCIL OR ELECTED MAYORS. A CANDIDATE CAN ONLY BE ACCEPTED AS SUCH IF AMONG THE 100 SIGNATURES THERE ARE PERSONS FROM AT LEAST 10 DIFFERENT DEPARTMENTS OR OVERSEAS TERRITORIES. THE CONSTITUTIONAL COUNCIL MUST ALSO ENSURE THE CANDIDATE'S WILLINGNESS TO RUN FOR PRESIDENT. THE SAME LAW PROVIDES THAT EACH CANDIDATE MUST DEPOSIT 10,000 FRANCS WHICH IS NOT RETURNED UNLESS LIMITED OFFICIAL USE

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THE CANDIDATE HAS RECEIVED AT LEAST 5 PERCENT OF THE VOTES CAST.

4. THE ELECTION. ARTICLE 7, AS MODIFIED BY THE OCTOBER 1962 REFERENDUM AGAIN GOVERNS. THE PRESIDENT IS ELECTED BY AN ABSOLUTE MAJORITY OF THE VOTES CAST. IF NO CANDIDATE OBTAINS SUCH A MAJORITY ON THE FIRST BALLOT, A SECOND ONE TAKES PLACE ON THE SECOND SUNDAY

FOLLOWING THE FIRST ROUND. (IN PRACTICE THE FIRST
ROUND, LIKE ALL FRENCH ELECTIONS WOULD PRESUMABLY ALSO
BE HELD ON SUNDAY) ONLY TWO CANDIDATES APPEAR ON THE
SECOND BALLOT. THEY ARE THE TWO CANDIDATES STILL IN
THE RACE WHO RECEIVED THE HIGHEST NUMBER OF FIRST-ROUND
VOTES. NOTHING REQUIRES A FIRST-ROUND CANDIDATE TO
STAND IN THE SECOND ROUND, THUS A CANDIDATE MAY DESIST
BETWEEN ROUNDS IN FAVOR OF ANOTHER CANDIDATE EVEN THOUGH
THE FORMER HAD RECEIVED MORE VOTES THAN THE LATTER.
STONE

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